

SENATE JOURNAL.

ment, temporarily, and the motion of Senator Crane was adopted.

President Cranford placed before the Senate the bill next in order, being Senate bill No. 2, entitled "An act to empower the State board of education to procure for use in the common schools of the State of Texas, a series of text books, defining the duties of certain officers therein named, with reference thereto, making appropriations therefor, defining certain felonies and misdemeanors, providing penalties for the violations of the provisions of this act, and declaring an emergency, with the amendments of the committee, and their report on same was read the second time.

On motion of Senator Johnson further consideration of this bill was postponed until tomorrow.

By consent the following bills were introduced:

By Senator Stephens:

A bill to be entitled "An act to provide for the investment of the permanent school fund of the State of Texas by loaning the same on unencumbered real estate security and for other purposes."

Bill read first time and referred to committee on Finance.

By Senator Potter:

A bill to be entitled "An act to make notes, bonds, contracts and other evidences of debt, held by persons without the State of Texas that are secured by a lien on land within this State subject to taxation in this State, and providing that they shall be rendered and the taxes be paid thereon in the county in which the land is situated and providing the mode of collecting the same."

Bill read first time and referred to the committee on Finance.

By Senator Lubbock:

A bill to be entitled "An act to amend article 4677 of the revised statutes of the State of Texas."

Bill read first time and referred to the committee on State Affairs.

On motion of Senator Johnson Senate adjourned until tomorrow morning at 10 o'clock a. m.

TWENTY-SECOND DAY.

SENATE CHAMBER,

AUSTIN, February 6, 1891.

Senate met pursuant to adjournment.

President Pro Tem Cranford in the chair.

Roll call.

No quorum present.

The following Senators answered to their names:

PRESENT—19.

Atlee,	Kearby,	Seale,
Clark,	Kimbrough,	Sims,
Crane,	Maetze,	Stephens,
Cranford,	McKinney,	Tyler,
Garwood,	Page,	Weisiger,
Harrison,	Potter,	Whatley.
Johnson,		

ABSENT—5.

Glasscock,	Pope,	Townsend.
Lubbock,	Simkins,	

On motion of Senator Stephens a call of the Senate was ordered, the following Senators answering to their names at first roll call:

PRESENT—20.

Atlee,	Kearby,	Simkins,
Clark,	Kimbrough,	Sims,
Crane,	Maetze,	Stephens,
Cranford,	McKinney,	Tyler,
Garwood,	Page,	Weeiger,
Harrison,	Potter,	Whatley.
Johnson,	Seale,	

ABSENT—4.

Glasscock,	Lubbock,	Pope.
		Townsend.

At the second roll call under the call of the Senate the following senators answered to their names:

PRESENT—21.

Atlee,	Kearby,	Simkins,
Clark,	Kimbrough,	Sims,
Crane,	Maetze,	Stephens,
Cranford,	McKinney,	Townsend,
Garwood,	Page,	Tyler,
Harrison,	Potter,	Weeiger,
Johnson,	Seale,	Whatley.

ABSENT—3.

Glasscock,	Lubbock,	Pope.
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The chair announced a quorum present.

Prayer by the chaplain, Dr. Smoot.

On motion of Senator Johnson the call was suspended.

On motion of Senator Tyler the reading of the journal was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Stephens:

Petition of citizens of Vernon, Texas, concerning Sunday laws and requesting repeal thereof.

Read first time and referred to Judiciary committee No. 2.

By Senator Stephens:

Petition of citizens of Wilbarger county requesting the repeal of the Sunday laws.

Read first time and referred to Judiciary committee No. 2.

By Senator Townsend:

Petition of citizens of Lavaca county, asking to change the time of holding district court in said county.

Read first time and referred to committee on Judicial Districts.

COMMITTEE REPORTS.

Senator Tyler made the following report:

COMMITTEE ROOM,
Austin, February 6, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

House bill No. 178, being an act to amend article 684, of the Penal Code of the State of Texas, so as to prohibit stock from running at large in localities in which the stock law prohibiting such stock from running at large is in force.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TYLER, Chairman.

Bill read first time.

Senator Potter gave notice that at the proper time he would make a motion to recommit Senate bill No. 178 just reported unfavorably by the committee.

Senator Tyler made the following report:

COMMITTEE ROOM,
Austin, February 6, 1891.

Hon. George C. Pendleton, President of the Senate:

Your Judiciary committee No. 2, to whom was referred

Senate bill No. 201, being "An act to prevent frauds upon travelers by suppressing ticket scalpers."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TYLER, Chairman.

Bill read first time.

Senator Tyler made the following report:

COMMITTEE ROOM,
Austin, February 6, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 119, being "An act to amend chapter 7, title 17, article 718 of the penal code of Texas,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TYLER, Chairman.

Bill read first time.

Senator Tyler made the following report:

COMMITTEE ROOM,
Austin, February 6, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Substitute House bills No. 68 and 205, being "An act to amend article 356 of the penal code of the State of Texas, adopted February 21, 1879"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TYLER, Chairman.

Bill read first time.

Senator Tyler made the following report:

COMMITTEE ROOM,
Austin, February 6, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 222, being "An act to provide for the binding out of minors who have become paupers and are as such a charge upon the county,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TYLER, Chairman.

Bill read first time.

Senator Tyler made the following report:

COMMITTEE ROOM,
AUSTIN, February 6, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 230, being "An act to amend article 2231 of the revised civil statutes of the state of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, for the reason that a bill containing the same subject matter has been favorably reported to the Senate from Judiciary committee No. 1.

All of which is respectfully submitted.

TYLER, Chairman.

Senator Tyler made the following report:

COMMITTEE ROOM,

Austin, February 6, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 210, being "An act to amend articles 677 and 685 of chapter 5, title 8, of the code of criminal procedure of the state of Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TYLER, Chairman.

Bill read first time.

Senator Tyler made the following report:

COMMITTEE ROOM,

Austin, February 6, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 198, being an act to be entitled "An act to amend article 186a, chapter 116, of the acts 1887, being an act to amend article 186, penal code, providing exemptions from the operation of the Sunday law,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TYLER, Chairman.

Bill read first time.

Senator Kearby gave notice that he would present a minority report on Senate bill No. 198.

Senator Tyler made the following report:

COMMITTEE ROOM,

Austin, February 6, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 71, being an act to be entitled "An act to amend article 2979, chapter —, title 54, of the revised civil statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TYLER, Chairman.

Bill read first time.

Senator Tyler made the following report:

COMMITTEE ROOM,

Austin, February 6, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, whom was referred

Senate bill No. 212, being "An act entitled an act to amend articles 605, 606 and 609 of chapter 15, title 15, and to add article 605 a to said chapter and title, and to amend articles 613 and 615 of chapter 17, title 15, and article 574 of chapter 11, title 15, and to add articles 574a and 574b to chapter 11, title 15, and to amend article 500 of chapter 3, title 15, of the penal code of the State of Texas, and to repeal all of chapter 14, title 15, of said code consisting of articles 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, and 604,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TYLER, Chairman.

Bill read first time.

Senator Tyler made the following report:

COMMITTEE ROOM,

Austin, February 6, 1891.

To the Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 84, being "An act to amend chapter 3, title 4, of the penal code, by adding thereto article 103a,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the accompanying substitute bill to be entitled "An act to amend article 257 of the penal code of the State of Texas,"

And we recommend that the substitute do pass.

All of which is respectfully submitted.

TYLER, Chairman.

Substitute bill read first time.

Senator Tyler made the following report:

COMMITTEE ROOM,

Austin, February 6, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 203, being "An act to be entitled an act to amend article 2873, title 51 of the revised statutes of the state of Texas concerning the granting of injunctions."

Have had the same under consideration and instruct me to report it back to the Senate with the recommendation that it do pass with the following amendment:

Amend subdivision two by adding after word "applicant," the following to-wit:

"Which act would tend to render judgment ineffectual."

TYLER, Chairman.

Bill read first time

Senator Tyler made the following report:

COMMITTEE ROOM,

Austin, February 6, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 208, being "An act to be entitled an act to amend article 352 of the penal code referring to sale of lottery tickets,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendment:

Amend section 1, line 2 by inserting after the word "sale" where it first appears the following:

"Or keep for sale."

All of which is respectfully submitted.

TYLER, Chairman.

Bill and amendment read first time.

Senator Sims made the following report:

COMMITTEE ROOM,

Austin, February 5, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Public Lands, to whom was referred

Senate bill No. 236, being "An act to extend the time in which lands have been sold to the State for taxes may be redeemed by the owners thereof,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SIMS, Chairman.

Senator Sims made the following report:

COMMITTEE ROOM,

Austin, February 5, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Committee on Public Lands, to whom was referred

Senate bill No. 124, being "An act to validate location and to direct that patents issue on all surveys of not more than 320 acres of land in all counties organized prior to January 1, 1880, located on the unappropriated public domain of Texas by virtue of what is known as Texas Veteran land certificates."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment:

By adding to the last section the words "and provided, further, that it shall not apply to any land that may have been abandoned or canceled, nor shall it apply to any subsequently acquired pre-emption or homestead right legally acquired."

SIMS, Chairman.

Bill and amendments read first time.

Senator Townsend made the following report:

COMMITTEE ROOM,

Austin, February 5, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Finance, to whom was referred

Senate bill No. 235, being "An act to apportion between the Agricultural and Mechanical College and Prairie View State Normal School the monies due Texas under an act of congress for the more complete endowment and maintenance of agricultural and mechanical colleges, and to designate a person to receive and receipt for said money,"

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

All of which is respectfully submitted.

TOWNSEND, Acting Chairman.

Senator Townsend made the following report:

COMMITTEE ROOM,

Austin, February 5, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Finance to whom was referred

Senate bill No. 239, being "An act to make notes, bonds, contracts and other evidences of debt held by per-

sons without the State of Texas that are secured by a lien on land within this State, subject to taxation in this State, and providing that they shall be rendered and the taxes paid thereon in the county in which the land is situated, and providing the mode of collecting the same,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendment:

By adding to section 4:

And provided further, That no stipulation or agreement, directly or indirectly, shall ever be made in any note, bond or contract, or otherwise, to the effect that the payor of said note, bond or contract, or the owner of said land, shall pay or be liable for such taxes, and any such stipulation or agreement shall operate as a forfeiture of all interest due, and that it be considered in connection with Senate bill No. 9.

Respectfully submitted,

M. H. TOWNSEND, Acting Chairman.

Senator Simkins made the following report:

COMMITTEE ROOM,

Austin, February 3, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed bills, have carefully examined and compared

Senate bill No. 5, being "An act to provide for the election of a county road commissioner in counties levying a road and bridge tax under the amendment of 1889 to the constitution, as adopted in 1890, and to provide the manner of laying out and working the public roads, and who shall be worked thereon, and how and when such work shall be done, and constituting the delinquent poll tax a road and bridge fund, and providing who shall be subject to road duty, providing for penalties and manner of enforcing the same, and for other purposes,"

And find the same correctly engrossed.

SIMKINS, Acting Chairman.

Senator Simkins made the following report:

COMMITTEE ROOM,

Austin, February 4, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 98, being "An act to

fix the time for holding the district court in the Twenty-fourth judicial district."

And find the same correctly engrossed.

SIMKINS, Acting Chairman.

Senator Simkins made the following report:

COMMITTEE ROOM,

Austin, February 4, 1891.

Hon. Geo C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 91, being "An act to amend article 521 of the revised statutes of the state of Texas,"

And find the same correctly engrossed.

SIMKINS, Acting Chairman.

BILLS AND RESOLUTIONS.

By Senator Townsend: (By request.)

A bill to be entitled "An act to provide for the filling of vacancies in the office of clerk of the district court in counties where there is more than one district court."

Bill read first time and referred to committee on Judicial Districts.

By Senator Townsend:

A bill to be entitled "An act to prevent causes of action for injury done the person from abating upon the death of the injured person, and to preserve the same to his or her heirs and legal representatives."

Read first time and referred to Judiciary committee No. 2.

By Senator Kimbrough:

A bill to be entitled "An act to amend article 3362, title 65, of the revised civil statutes of the State of Texas relating to notaries public."

Read first time and referred to committee on State Affairs.

By Senator Stephens:

An act to amend article 677 of the code of criminal procedure of the state of Texas requiring the trial judge to give his written charge before the argument of counsel begins.

Read first time and referred to Judiciary committee No. 2.

On motion of Senator Whatley Senator Clemens was excused from Friday until Monday.

Senator Simkins made the following report:

COMMITTEE ROOM,

Austin, February 5, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 59, being "An act to provide for elections in counties to determine whether a road tax shall be levied under the amendment of 1889 to the constitution and how such election shall be ordered and held, and the tax levied and for other purposes.

And find the same correctly engrossed.

SIMKINS, Acting Chairman.

On motion of Senator Clark House bill No. 44, entitled "An act to be entitled 'An act to define and punish usury,'"

Was made special order for next Monday after morning call, and from day to day until disposed of.

By consent Senator Simkins introduced the following bill:

A bill to be entitled "An act to amend section 9, of chapter 75 of an act in relation to butchers, approved April 6, 1889."

Read first time and referred to committee on Stock and Stockraising.

On motion of Senator Whatley the Senate went into executive session.

IN SENATE.

Order of the day being the consideration of Senate bill No. 97, entitled "An act to require railroad companies in this State to provide separate coaches for white and colored passengers."

With the amendments offered by the committee.

Question recurred to adoption of third committee amendment.

3. Amend section 2 by striking out etc., and inserting "and convenience" in its place.

Adopted.

Fourth committee amendment read and adopted as follows:

4. Amend section 5 by striking out all that part of the section beginning with line 16 of that section and ending with line 22 inclusive.

Fifth committee amendment read and adopted as follows:

5. Amend section 6 by inserting after the word "superintendent" in line 2 the words "or manager." Also by striking out the word "common" in line 20 and inserting the word "available."

Senator Townsend offered the following amendment.

Amend by adding at end of section 7 as follows:

"Railway companies shall have the right and privilege, and it is hereby placed within their power to manage and control the travel on the sleeping cars hauled in their passenger trains."

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Adopted.

Senator Stephens offered the following amendment:

Amend by adding thereto section 8a.

Section 8a: "Should a railroad commission be created in this state said commission shall have the right to exempt any railroad or subdivision thereof from the provisions of this act."

Lost.

Senator Whatley offered the following amendment:

Amend by adding to section (1) one the following:

"Provided, That this act shall not apply to mixed or accommodation trains carrying both freight and passengers, to which only a single passenger car or caboose is attached.

Withdrawn.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 6, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am instructed by the House to inform you of the passage of the following resolution:

Be it resolved by the House of Representatives, the Senate concurring, That a committee of three, consisting of two members of the House and one member of the Senate, be appointed to visit the reformatory and house of correction, at the city of Gatesville, to examine into its management and requirements, and to report the result of such investigation, together with such recommendations as they may find it proper to make to both Houses. The necessary expenses of the committee to be paid for out of the contingent fund.

SAM H. DIXON,

Chief Clerk House of Representatives.

By consent Senator Carter made the following report:

COMMITTEE ROOM,

Austin, February 5, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 215, being "An act to amend sections 10, 21, 28, 94, 120, 140, 158 and 161, of an act entitled 'An act to incorporate the city of Dallas and grant it a new charter, approved March 13, 1889,'"

And find the same correctly engrossed.

CARTER, Chairman.

Senator Stephens offered the following amendment, amending by adding the following to section 1:

Provided that this act shall not apply to cabooses carrying passengers attached to freight trains.

Adopted.

Senator Kearby offered the following amendment:

Article 10. Amend section 7, line 20, by striking out the word "road," and insert in lieu thereof the following "available school."

Lost.

Senator Whatley offered the following amendment:

Amend bill by adding thereto section 10 to read as follows: The great inconvenience resulting from the prevailing practice in Texas of running mixed coaches on our railways creates an emergency that the constitutional rule requiring all bills to be read on three several days be suspended and said rule is hereby suspended.

Adopted by the following vote:

YEAS—21.

Atlee,	Kearby,	Simkins,
Carter,	Kimbrough,	Sims,
Clark,	Maetze,	Stephens,
Crane,	McKinney,	Townsend,
Cranford,	Page,	Tyler,
Harrison,	Potter,	Weisiger,
Johnson,	Seale,	Whatley.

ABSENT—4.

Garwood,	Lubbock,	Pope.
Ingram,		

Bill as amended read third time and adopted.

Senate bill No. 100 being regular order it was on motion of Senator Kimbrough passed temporarily without prejudice to its place on the calendar.

Senate bill No. 2, entitled "An act to empower the state board of education to procure for use in the common schools of the state of Texas a series of text books, defining the duties of certain officers therein named with reference thereto, making appropriations therefor, defining certain felonies and misdemeanors, providing penalties for the violation of the provisions of this act and declaring an emergency,

Was taken up on second reading.

First committee amendment was read and adopted as follows:

At the beginning of line 6, section 1, of the printed bill add after the words "United States and Texas." At the beginning of line 3, section 2, add the word "first."

Second committee amendment read and adopted as follows:

At the end of line 30, page 2, add "second. From authors of school text books who have manuscripts of books not published for prices at which they sell their manuscript together with the copyright of such books for publication by the state for use in the schools of the state or for publication by contract for similar use."

Senator Carter made the following report:

COMMITTEE ROOM,
Austin, February 5, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate substitute bill Nos. 85 and 93, being "An act to amend chapter 1, title 17 of the revised civil statutes of the State of Texas by the addition of article 340c."

And find the same correctly engrossed.

CARTER, Chairman.

Third committee amendment to Senate bill No. 2, read and adopted as follows:

3. Third—From persons who are willing to undertake the compilation of a book or books, or a series of books as provided for in section 1 of this act, the price at which they are willing to undertake such compilation of any or all such books to the acceptance and satisfaction of the said board of education.

Fourth committee amendment read and adopted as follows:

4. In line 28, section 3, add "History of Texas, 50 cents."

Fifth committee amendment read and adopted as follows:

At the end of section 3, page 3, add the following, "Those who enter into a contract with said board of education as herein provided for shall enter into bond with resident sureties in a sum to be fixed by the governor of the State payable to the State of Texas, and to be approved by the governor conditional that said party contracting shall in all things comply with the contract so made. And in the event said party shall fail to comply therewith, the attorney general shall institute suit in any court of competent jurisdiction for the recovery of the sum named in said bond and which said sum when so recovered shall be added to the available school fund. And in case of such failure to comply with said contract, the board of education may cancel the contract so broken."

Sixth committee amendment read and adopted as follows:

In line 5, section 9, strike out "\$100 for every 1000 inhabitants of their respective counties" and insert instead "\$500 for every 1000 of scholastic population or fraction thereof not less than 500, according to the last state scholastic census. But no bond shall be less than \$500."

Seventh committee amendment read and adopted as follows:

In line 10, section 9, strike out the words "of the county," and after the word "sureties" insert "residing in this state." In line 13 section 9, strike out "\$300" and insert "\$100."

Eighth committee amendment read and adopted as follows:

At the end of section 9 add "such bonds to be recorded as other official bonds in the records of the county."

Ninth committee amendment read and adopted as follows:

Strike out lines 14, 15 and 16 in section 12, and insert "shall be punished as provided by the penal code of this State in cases of embezzlement."

Tenth committee amendment read and adopted as follows:

In line 18, section 13, strike out the words "two or."

Eleventh committee amendment read and adopted as follows:

11. In line 31, section 14, strike out the words "at least" and "not more than five."

Twelfth committee amendment read and adopted as follows:

12. In line 32, section 14, insert after the word "certificates" the following: "And two business men of first-class qualifications and integrity."

Thirteenth amendment:

13. Strike out section 16 and 17.

And the following substitute was offered by Senator Page:

Substitute committee amendment 13 with the following:

Strike out section 16, and for section 17 substitute the following: The provisions of this act shall not apply to cities and towns which have assumed control of their schools, unless the same by a majority vote of their school trustees or aldermen, elect to avail themselves of such provisions.

The following appointments by his excellency, the governor, were announced as confirmed by the Senate:

A. L. Teagarden, E. M. House, Jo Rogers, D. H. Hewlett and B. J. Kopperl as board of managers of the State lunatic asylum at Austin.

Senator Crane offered the following

substitute for Senator Page's amendment to Senate bill No. 2.

A substitute for the pending amendment.

The provisions of this act shall not apply to towns, cities, communities or districts which have heretofore or may hereafter, within six months after the passage of this act, select a uniform series of text books for use in their respective schools. And, after such a series of text books shall have been so selected by said school trustees, it shall not be lawful for same or any part thereof to be changed or superseded within the period of four years after same shall have been adopted, unless it be by a majority vote of the patrons of the school in which the said series of books may be used. Any person violating any provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine in any sum not less than fifty dollars nor more than one hundred dollars.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,
Austin, February 6, 1891.

To the Senate of the State of Texas:

I ask your advice and consent to the appointment of N. A. Steadman as judge of the Forty-eighth judicial district of Texas.

Respectfully,
J. S. Hogg,
Governor of Texas.

EXECUTIVE OFFICE,
Austin, February 4, 1891.

To the Senate of the State of Texas:

I ask your advice and consent to the appointment of Dr. T. D. Wooten of Travis county and F. W. Ball of Tarrant county as regents of the University of Texas.

Respectfully,
J. S. Hogg,
Governor of Texas.

On motion of Senator Kearby, the Senate went into executive session.

(IN SENATE.)

The following appointments by the Governor were announced as confirmed by the Senate:

N. A. Steadman, judge of the Forty-eighth judicial district of Texas.

Dr. T. D. Wooten of Travis county and F. W. Ball of Tarrant county to be regents of the University of Texas.

On motion of Senator Garwood, Senator Glasscock was excused on account

of important business till Monday morning.
On motion of Senator Tyler, Committee Clerk Feagle was excused till Monday on account of important business.

On motion of Senator Kimbrough, Senator Finch was excused till Monday on account of sickness.

By consent, Senator Simkins made the following report:

COMMITTEE ROOM,
AUSTIN, February 5, 1891.

Hon Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 66, being "An act to provide for appeals in certain cases from the action of commissioners courts sitting as boards of equalization and from like boards of cities and towns,"

And find the same correctly engrossed.

SIMKINS,

Acting Chairman.

By consent, Senator Townsend made the following report:

COMMITTEE ROOM,
Austin, February 6, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Judicial Districts, to whom was referred

Senate bill No. 241, being "An act entitled an act to provide for the filling of vacancies in the office of clerk of the district court in counties where there is more than one district court,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TOWNSEND, Chairman.

By consent, Senator Sims made the following report:

COMMITTEE ROOM,
Austin, February 6, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred

House bill No. 135, being "An act to restore to and confer upon the county court of Nacogdoches county the civil and criminal jurisdiction heretofore belonging to it under the constitution and general laws of the State and to conform the jurisdiction of the district court of said county to such change,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SIMS,

Acting Chairman.

Read first time.

Senator Johnson moved to adjourn till 10 o'clock Monday morning.

Lost by the following vote:

YEAS—8.

Atlee,	Johnson,	Stephens,
Clark,	Kimbrough,	Townsend.
Crane,	Seale,	

NAYS—11.

Cranford,	McKinney,	Tyler,
Garwood.	Page,	Weisiger,
Harrison,	Potter,	Whatley.
Kearby,	Sims,	

Senator Page moved to adjourn to 10 o'clock a. m. tomorrow.

Senator Johnson moved to adjourn to 9:50 a. m. Monday next.

Carried by the following vote:

YEAS—10.

Atlee,	Harrison,	McKinney,
Clark,	Johnson,	Seale,
Crane,	Kimbrough,	Stephens,
		Townsend.

NAYS—9.

Cranford,	Page,	Tyler,
Garwood,	Potter,	Weisiger,
Kearby,	Sims,	Wheatley.

ABSENT—5.

Carter,	Maetze,	Simkins.
Lubbock,	Pope,	

I vote aye one the motion to adjourn till 10 o'clock Monday morning for the reason that I am satisfied there will be no quorum present on Saturday in any event.

CLARK.

TWENTY-THIRD DAY.

SENATE CHAMBER, }

AUSTIN, Tex., February 9, 1891. }

Senate met pursuant to adjournment.

President pro tem Cranford in the chair.

Roll called.

No quorum present.

The following senators answering to their names:

PRESENT—13.

Clark,	Maetze,	Potter,
Clemens,	Kimbrough,	Seale,
Cranford,	Lubbock,	Simkins,
Glasscock,	McKinney,	Sims.
Kearby,	Page,	

ABSENT—14.

Atlee,	Garwood,	Stephens,
Carter,	Harrison,	Townsend,
Crane,	Johnson,	Tyler,
Finch,	Pope,	Weisiger,
		Whatley.

On motion of Senator Seale the Senate took recess until 11 o'clock.

AFTER RECESS.

Senate met.